

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF	United States of America	COURT CASE NUMBER	05-11590-GAO
DEFENDANT	Kenneth F. Komenda	TYPE OF PROCESS	Summons + Complaint
SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Kenneth F. Komenda		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 119 Ocean Ave. Hyannis, MA 02601		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Tricia Desingco
U.S. Attorney's Office
Financial Litigation Unit
One Courthouse Way, Suite 9200
Boston, MA 02210

Number of process to be served with this Form - 285

2005 JUL 29 AM 11:39

Number of parties to be served in this case

Check for service on U.S.A.

RECEIVED
U.S. MARSHAL SERVICE
BOSTON, MA

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):
Fold

Please make service prior to October 31, 2005.

Signature of Attorney or other Originator requesting service on behalf of:

Tricia Desingco

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

617-748-3308

DATE

7/29/05

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only first USM 285 if more than one USM 285 is submitted)

Total Process

1

District of Origin

No. 38

District to Serve

No. 38

Signature of Authorized USMS Deputy or Clerk

Karen Salas

Date

8/1/05

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Address (complete only if different than shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service

8/3/05

Time

10:00

am

pm

Signature of U.S. Marshal or Deputy

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
46	36.50		81.50			

REMARKS:

NO SUCH NUMBER, NUMBERS JUMP FROM 1001 TO 247. 8MD

AO 440 (Rev. 10/93) Summons in a Civil Action

United States District Court

DISTRICT OF

SUMMONS IN A CIVIL CASE

UNITED STATES OF AMERICA

V.

KENNETH F. KOMENDA

CASE NUMBER:

05 11590 GAO

TO: (Name and address of defendant)

Kenneth F. Komenda
119 Ocean Avenue
Hyannis, MA 02601

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Christopher R. Donato
Assistant United States Attorney
United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02210

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

JUL 29 2005

CLERK

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons in a Civil Action

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1 Courthouse Way, Suite 9200
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SARAH A. THORNTON

JUL 29 2005

CLERK

DATE

(BY) DEPUTY CLERK



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

2005 JUL 28 P 3:38

DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA,

Plaintiff,

v.

Court No.

KENNETH F. KOMENDA,

Defendant.

05 11590 GAO

COMPLAINT

The United States of America, by its attorneys, Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Christopher R. Donato, Assistant United States Attorney, states as its complaint that:

1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. § 1345.
2. The defendant, Kenneth F. Komenda (hereinafter "Komenda"), resides in the District of Massachusetts at 119 Ocean Ave., Hyannis, MA 02601.
3. Komenda is indebted to the United States in the principal amount of \$18,821.85 plus interest computed at the rate of 5.13 percent per annum for a total amount of \$21,403.89 as of July 28, 2005. Thereafter, interest on the principal amount will accrue at the rate of 5.13 percent per annum until the date of judgment. See Exhibit "A" attached hereto and incorporated herein.
4. Komenda has failed to repay the aforesaid sum although demand has been duly made.

WHEREFORE, the United States demands judgment against Komenda in the principal amount of \$18,821.85; plus interest in the amount of \$2,582.04; plus interest on this principal at an annual rate of 5.13 percent per annum until the date of judgment. The United States further demands, pursuant to 28 U.S.C. § 1961, that interest on the judgment accrue at the legal rate until paid in full.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By:



CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3303

Dated: July 28, 2005

**U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA**

CERTIFICATE OF INDEBTEDNESS

Kenneth F Komenda
aka Ken F Komenda
119 Ocean Ave
Hyannis, MA 02601

SSN: 514-50-4158

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 6/22/05.

On or about 9/28/02, the borrower executed promissory note(s) to secure loan(s) of \$18,821.85, from the U.S. Department of Education. This loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et. seq. (34 CFR Part 685). The Department demanded payment according to the terms of the note(s), and the borrower defaulted on the obligation on 8/18/03. The Department has credited \$0.00 from all sources, including Treasury Department offsets, if any to the balance. After application of these payments, the borrower now owes the United States the following:

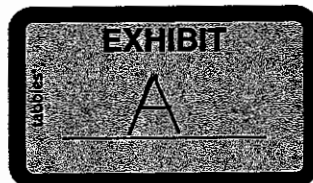
Principal	<u>\$18,821.85</u>
Interest:	<u>\$2,582.04</u>
Administrative/Collection Costs:	<u>\$0.00</u>
Late Fees:	<u>\$0.00</u>
 Total debt as of <u>6/22/05</u> :	 <u>\$21,403.89</u>

Interest accrues on the principal shown here at the rate of rate of 5.13% per annum and a daily rate of \$2.64.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 7/12/05

Name: Lynda Faatalale
Title: Loan Analyst
Branch: Litigation



Lynda Faatalale
Loan Analyst